

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**HILARIO VELASQUEZ, and SARAH
GARRETT,**

Plaintiffs,

vs.

**SGT. JOHN PEDEN, in his individual and
official capacities; CITY OF COZAD, a
Nebraska political subdivision; and DOES 1
- 5, in their individual and official capacities;**

Defendants.

7:20CV5007

**SECOND AMENDED
CASE PROGRESSION ORDER**

This matter is before the Court on the Unopposed Motion to Extend Plaintiffs' and Defendants' Expert Deadlines ([Filing No. 44](#)) and the Joint Stipulation to Extend Disclosure of Plaintiffs' and Defendants' Expert Disclosure Deadlines ([Filing No. 45](#)). After a review of the motions and for good cause shown,

IT IS ORDERED that the Unopposed Motion to Extend Plaintiffs' and Defendants' Expert Deadlines ([Filing No. 44](#)) is denied as moot, the Joint Stipulation to Extend Disclosure of Plaintiffs' and Defendants' Expert Disclosure Deadlines ([Filing No. 45](#)) is granted, and the amended case progression order is amended as follows:

- 1) The planning conference scheduled for July 9, 2021, is cancelled.
- 2) The deadlines for identifying expert witnesses and completing expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)) are:

For plaintiffs:	August 12, 2021
For defendants:	September 13, 2021
Plaintiff's Rebuttal:	September 27, 2021

- 3) A status conference to discuss case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **October 1, 2021**, at **11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **October 4, 2021**.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 5) The deadline for filing motions to resolve qualified immunity is **October 18, 2021**.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds remains **October 25, 2021**.
- 7) The deadline for filing motions to dismiss and motions for summary judgment not related to qualified immunity remains **December 23, 2021**.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 23rd day of June, 2021.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge